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ORDINANCE Nos. II AND III OF 1950.

(1) The Travancore-Cochin Board of Revenue Ordinance, 1950.

(2) The Cochin Temple Entry Authorisation Proclamation Ordinance, 1950.

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The following Ordinance which was promulgated by His Highness the Raj Pramukh on the 3rd February 1950 is hereby published for general information:—

ORDINANCE No. II OF 1950.

THE TRAVANCORE—COCHIN BOARD OF REVENUE ORDINANCE, 1950.

Preamble.

Whereas the Legislative Assembly of the State of Travancore-Cochin is not in session and His Highness the Rajpramukh is satisfied that circumstances exist which make it necessary for him to take immediate action for providing for the exercise by the Board of Revenue of certain functions and powers;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India read with Article 238 thereof, His Highness the Rajpramukh hereby promulgates the following Ordinance:—

Short title, extent and commencement.

1. (1) This Ordinance may be called the Travancre-Cochin Board of Revenue Ordinance, 1950.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Board of Revenue constituted under this Ordinance;

(b) "Member" means the member of the Board;

(c) "Notified" means notified by Government in the Gazette;

(d) "Prescribed" means prescribed by rules made by Government under this Ordinance.

Constitution of the Board of Revenue.

3. There shall be constituted for the State a Board of Revenue consisting of one or more members as the Government may from time to time think fit to appoint.

Conditions of service of members of Board.

4. (1) When any member is by reason of absence or otherwise, unable to perform the duties of the office, the Government may by notification, appoint any person to be, for the time being a member of the Board.

(2) A person shall not be qualified for appointment as a member of the Board unless he has an aggregate service of three years as the head of one of the major Departments with which the Board is concerned or as Secretary to Government, Secretary to the Board of Revenue or as Collector or in all these capacities.

Salaries and allowances.

5. There shall be paid to the members of the Board such salaries and allowances as the Government may from time to time determine.

6. The Board shall exercise all appellate or revisional powers exercisable by the Government or a Minister under the enactments mentioned in the First Schedule or the rules passed thereunder and for this purpose all references in the said enactments or rules to the Government or the Minister shall be construed as references to the Board.

Powers and functions of the Board

7. (1) The Board shall be the administrative head of the Departments mentioned in the Second Schedule and shall exercise general supervision over the Departments mentioned in the Third Schedule.

Powers of control and supervision of the Board.

(2) The Board shall exercise such other powers as Government may by notification in the Gazette confer on it.

8. The Board may, with the previous sanction of the Government, make rules for the exercise by one or more members of the Board of the powers and functions of the Board and all decisions made pursuant to such powers and functions shall be deemed to be the decisions of the Board.

Exercise of jurisdiction by one or more members of the Board.

9. Government may at any time call for and examine the record of any case pending before, or disposed of by the Board and may pass such order in reference thereto as Government think fit:

Powers of revision of Government.

Provided that no order shall be passed under this section without notice to the party who may be affected by the order.

10. The Board may either on its own motion or on the application of any party review any order passed by itself on the ground of mistake, misrepresentation, fraud or error of procedure or any other sufficient reason and pass such orders in reference thereto as it thinks fit:

Review of orders.

Provided that no order shall be varied or reversed unless notice has been given to the party affected by the order.

11. Every application under Section 10 for a review of the order must be made within a period of three months from the date of the order or within such further time as the Board may see fit.

Limitation for review.

12. The Board may, with the previous sanction of the Government, from time to time, make rules for regulating generally the practice and procedure of the Board including rules as to the persons practising before the Board, as to the time within which in the absence of any express provision in the relevant enactment appeals or applications for revision to the Board may be filed, and as to the cost of and incidental to any proceedings before the Board.

Power to make rules.

13. The Board shall in respect of all matters subject to its appellate or revisional jurisdiction have superintendence over all authorities in so far as such authorities deal with such matters and may do any of the following things, that is to say,—

Administrative functions of the Board

(a) call for returns;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings in respect of such matters; and

(c) prescribe forms in which books, entries and accounts shall be kept by such authorities:

Provided that such rules and forms shall not be inconsistent with the provisions of any law for the time being in force and shall require the previous approval of the Government.

14. The Government may by notification in the Gazette amend, alter or add to the Schedules.

Power to amend the schedules.

15 The Government may make rules to carry out all or any of the purposes of this Ordinance.

Power of Government to make rules.

16. All Rules made under this Ordinance shall be published in the Gazette.

Rules to be published.

17. (1) The United State of Travancore and Cochin Board of Revenue Ordinance, XII of 1124, is hereby repealed.

(2) The Board constituted under the United State of Travancore and Cochin Board of Revenue Ordinance, XII of 1124, shall be deemed to be the Board constituted under this Ordinance.

Repeal and saving.

(3) The repeal by this Ordinance of the said Ordinance shall not affect the previous operation thereof, and any order made, action taken, or thing done in the exercise of any powers conferred by or under the said Ordinance shall for all purposes be deemed to have been made, taken or done in the exercise of powers conferred by this Ordinance as if this Ordinance had commenced on the 5th day of August 1949.

FIRST SCHEDULE.

A. TRAVANCORE ACTS.

Serial No.	*Powers and functions under.*	*Description.*
1.	The Revenue Summons Act, V of 1063	Revision under Section 9.
2.	The Revenue Recovery Act, I of 1068	Revision under Section 50.
3.	The Salt Act, III of 1088	Appeal under Section 78.

4.	The Sea Customs Act, V of 1088	Revision under Section 173.
5.	The Land Conservancy Act, IV of 1091	Appeal and revision under Section 14.
6.	The Markets Act. VII of 1092	Appeal and revision under Section 28.
7.	The Government Land Assignment Act, III of 1097	Revision under rules passed under the Act.

B. COCHIN ACTS.

1.	The Revenue Recovery Act, IV of 1083	Revision under Section 61.
2.	The Salt Act, V of 1083	Appeal under Section 41.
3.	The Sea customs Act, XII of 1109	Revision under Section 190.
4.	The Land Conservancy Act, IV of 1096	Appeal and revision under Section 13.

SECOND SCHEDULE.

DEPARTMENTS OVER WHICH THE BOARD SHALL HAVE ADMINISTRATIVE CONTROL.

1. Land Revenue including Survey, Settlement, Land Records and Land Acquisition.
2. Excise, Customs and Prohibition.
3. Income Tax, both Agricultural and non-Agricultural.
4. Court of Wards.
5. Sales Tax.
6. Mines and Minerals.
7. Famine Relief.

THIRD SCHEDULE.

DEPARTMENTS OVER WHICH THE BOARD SHALL HAVE SUCH CONTROL AS IS FOUND NECESSARY FOR CO-ORDINATING THEIR ACTIVITIES AND INCREASING THEIR EFFICIENCY.

1. Co-operation.
2. Panchayats, Village Unions, Village Uplift and Cottage Industries.
3. Fisheries.
4. Registration.

RAMA VARMA,
Raj Pramukh.

3rd February 1950.

(By order)
N. S. RADHAKRISHNA SARMA,
Secretary to Government, Law Department.

The following Ordinance which was promulgated by His Highness the Raj Pramukh on the 3rd February 1950 is hereby published for general information :—

ORDINANCE No. III OF 1950.

THE COCHIN TEMPLE ENTRY AUTHORISATION PROCLAMATION (AMENDMENT) ORDINANCE, 1950.

Preamble.

Whereas the Legislative Assembly of the State of Travancore-Cochin is not in session and His Highness the Rajpramukh is satisfied that circumstances exist which make it necessary for him to take immediate action for amending the Cochin Temple Entry Authorisation Proclamation, V of 1123 ;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India read with Article 238 thereof, His Highness the Rajpramukh hereby promulgates the following Ordinance:—

Short title and commencement.

1. This Ordinance may be called the Cochin Temple Entry Authorisation Proclamation (Amendment) Ordinance, 1950 and it shall come into force at once.

Amendment of Section 2.

2. For clause (2) of Section 2 of the Cochin Temple Entry Authorisation Proclamation, V of 1123, hereinafter referred to as the Proclamation, the following shall be substituted, namely :—

"(2) "Temple" means a place, by whatever name known, which is dedicated to, or for the benefit of, or used as of right by the Hindu community or any section thereof, as a place of public religious worship, and includes subsidiary shrines, as well as tanks appurtenant to the temple."

Deletion of Sections 5 and 8.

3. Sections 5 and 8 of the Proclamation shall be deleted.

Amendment of Section 7.

4. In sub-section (1) of Section 7 of the Proclamation, for the words and figures "The Executive Authority appointed by US under Section 50G of the Government of Cochin Act, XX of 1113" the words "The Cochin Devaswom Board" shall be substituted.

Repeal and saving.

5. (1) The Cochin Temple Entry Authorisation Proclamation (Amendment) Ordinance, 1124 (Ordinance No. X of 1124) is hereby repealed.

(2) The repeal by this Ordinance of the said Ordinance shall not affect the previous operation thereof, and any order made, action taken, proceedings instituted or thing done, in the exercise of any powers conferred by or under the said Ordinance shall for all purposes be deemed to have been made, taken or done in the exercise of powers conferred by this Ordinance as if this Ordinance had commenced on the 5th day of August 1949.

3rd February 1950.

RAMA VARMA,
Raj Pramukh.

(By order)

N. S. RADHAKRISHNA SARMA,
Secretary to Government, Law Department.